

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL J. RHOADS,) 8:08CV227
)
 Plaintiff,)
)
 v.) **MEMORANDUM
 AND ORDER**
)
 STATE OF NEBRASKA, et al.,)
)
 Defendants.)

This matter is before the court on Plaintiff's Motion to Strike Order (filing no. [54](#)) and Motion for Clerk's Entry of Default (filing no. [61](#)). In his Motion to Strike Order, Plaintiff requests that the court strike its previous order which granted Defendants an extension of the time to answer or otherwise plead. (Filing No. [54](#).) The court finds that none of the Defendants have engaged in unreasonable delay or have otherwise sought an extension in bad faith. The previous extensions of time were proper and will not be stricken.

Plaintiff also seeks a "Clerk's Entry of Default" against Defendants. (Filing No. [61](#).) Defendants' answers or other responsive pleadings are due on February 23, 2009. Therefore, no Defendant has defaulted and the time in which to answer or otherwise plead has not passed. Default judgment is not warranted at this stage of the proceedings.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Strike Order (filing no. [54](#)) and Motion for Clerk's Entry of Default (filing no. [61](#)) are denied.

February 4, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge